

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRANDON HOLMES,	:	CIVIL NO. 3:16-CV-644
	:	
Plaintiff	:	
	:	(Judge Munley)
v.	:	
	:	
J. ECK, et al.,	:	(Magistrate Judge Arbuckle)
	:	
Defendants.	:	
	:	

**MOTION TO DISMISS THE PLAINTIFF'S SECOND AMENDED
COMPLAINT UNDER F.R.C.P. 12(B)(7) and F.R.C.P. 19**

AND NOW COMES J. Eck, M. Russo, B. Mottern and C. Pizzoli by and through their Attorneys, Gregory T. Moro, Esquire and Hope R. Moro, Esquire and set forth this Motion To Dismiss Under F.R.C.P. 12(B)(7) and F.R.C.P. 19 as follows:

1. The named Defendants herein file a Motion to Dismiss the Plaintiff's Second Amended Complaint pursuant to F.R.C.P. 12(B)(7) and F.R.C.P. 19.

2. The Plaintiff's Second Amended Complaint fails to comply with the Court's Order of March 21, 2018 and F.R.C.P. 19 as it fails to join indispensable parties to the action.

WHEREFORE, the Plaintiff's Second Amended Complaint should be dismissed with prejudice under F.R.C.P. 12(B)(7) and F.R.C.P. 19.

Respectfully submitted,

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Defendants.	:	

CERTIFICATE OF SERVICE

We, Gregory T. Moro, Esquire and Hope R. Moro, Esquire, do hereby certify that on this 22nd day of August, 2018, we served a true and correct copy of the foregoing Motion To Dismiss Under F.R.C.P. 12(B)(7) and F.R.C.P. 19 upon the following party, by

United States mail, postage pre-paid to the following address:

Brandon Holmes-Register Number: 73170-004
USP Florence ADMAX
U.S. Penitentiary
PO BOX 8500
Florence, CO 81226

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